

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

EARLY F. LAWHORN, JR.,

Petitioner,

-vs-

XENIA MUNICIPAL COURT,

Respondent.

:

Case No. 3:06-cv-293

:

District Judge Walter Herbert Rice  
Chief Magistrate Judge Michael R. Merz

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**ORDER ADOPTING SECOND SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS**

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The Court has reviewed the Second Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #18), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 28, 2007, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition for Writ of Habeas Corpus herein be dismissed with prejudice for failure to exhaust available state court remedies, to wit, delayed appeal to the Second District Court of Appeals.

April 6, 2007.



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Walter Herbert Rice  
United States District Judge